



PATENT
Docket No. 300622010900
010070.01

DECLARATION FOR UTILITY PATENT APPLICATION

AS BELOW-NAMED INVENTORS, WE HEREBY DECLARE THAT:

Our residences, post office addresses, and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: SYNTHETIC GENES, the specification of which is attached hereto unless the following box is checked:

☒ was filed on September 26, 2003 as United States Application Serial No. 10/672,396

WE HEREBY STATE THAT WE HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

We acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing	Priority Claimed?
			<input type="checkbox"/> Yes <input type="checkbox"/> No

We hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date
60/414,085	September 26, 2002

We hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, we acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date _____ Name: Daniel V. SANTI
Residence: San Francisco, California
Citizenship: United States of America
Post Office Address: 211 Belgrave Avenue, San Francisco, California 94117

Date _____ Name: Ralph C. REID
Residence: San Rafael, California
Citizenship: United States of America
Post Office Address: 600 Galerita Way, San Rafael, California 94903

Date _____ Name: Sarah J. KODUMAL
Residence: Oakland, California
Citizenship: United States of America
Post Office Address: 3933 Harrison Street, Apartment #102, Oakland, California 94611

03/18/2004 Date _____ Sebastian Jayaraj
Name: Sebastian JAYARAJ
Residence: Berkeley, California
Citizenship: India
Post Office Address: 1709 Shattuck Avenue, Apartment #214, Berkeley, California 94709



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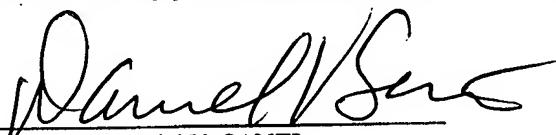
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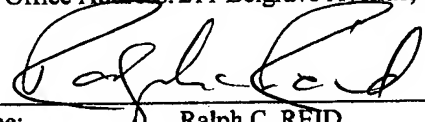
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3/18/04
Date


Name: Daniel V. SANTI
Residence: San Francisco, California
Citizenship: United States of America
Post Office Address: 211 Belgrave Avenue, San Francisco, California 94117

3/18/04
Date


Name: Ralph C. REID
Residence: San Rafael, California
Citizenship: United States of America
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3/18/04
Date


Name: Sarah J. KODUMAL
Residence: Oakland, California
Citizenship: United States of America
Post Office Address: 3933 Harrison Street, Apartment #102, Oakland, California 94611

Date

Name: Sebastian JAYARAJ
Residence: Berkeley, California
Citizenship: India
Post Office Address: 1709 Shattuck Avenue, Apartment #214, Berkeley, California 94709



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Daniel V. SANTI et al.Application No./Patent No.: 10/672,396 Filed/Issue Date: September 26, 2003Entitled: SYNTHETIC GENESKosan Biosciences, Inc., a corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or2. ☐ an assignee of less than the entire right, title and interest.

The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.☐ Copies of assignments or other documents in the chain of title are attached.**[NOTE:** A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

March 18, 2004
Date510-731-5204
Telephone NumberDaniel V. Santi
Typed or printed name[Signature]
SignatureChairman & Chief Executive Officer
Title

ASSIGNMENT JOINT

THIS ASSIGNMENT, by Daniel V. SANTI, Ralph C. REID, Sarah J. KODUMAL and Sebastian JAYARAJ (hereinafter referred to as the assignors), residing at 211 Belgrave Avenue, San Francisco, California 94117; 600 Galerita Way, San Rafael, California 94903; 3933 Harrison Street, Apartment #102, Oakland, California 94611 and 1709 Shattuck Avenue, Apartment #214, Berkeley, California 94709, respectively, witnesseth:

WHEREAS, said assignors have invented certain new and useful improvements in SYNTHETIC GENES, set forth in an application for Letters Patent of the United States bearing Serial No. 10/672,396 and filed on September 26, 2003; and

WHEREAS, Kosan Biosciences, Inc., a corporation duly organized under and pursuant to the laws of Delaware and having its principal place of business at 3832 Bay Center Place, Hayward, California 94545 (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

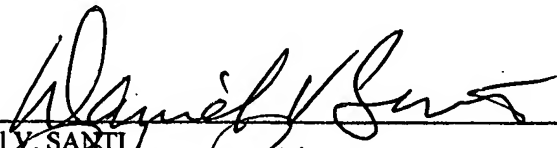
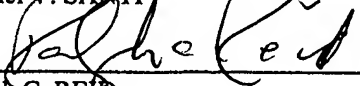
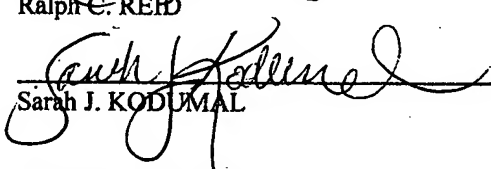
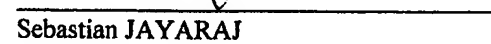
NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the sole and lawful owners of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that said assignors will, whenever counsel of said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

COPY

AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

<u>3/18/04</u>	
Date	Daniel V. SANTI
<u>3/18/04</u>	
Date	Ralph C. REID
<u>3/18/04</u>	
Date	Sarah J. KODUMAL
<u> </u>	
Date	Sebastian JAYARAJ

ASSIGNMENT JOINT

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Date Daniel V. SANTI

Date Ralph C. REID

Date Sarah J. KODUMAL

03/18/2004 Sebastian JAYARAJ



010070.01

PTO/SB/81 (06-03)

Approved for use through 11/30/2005. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM	Application Number	10/672,396
	Filing Date	September 26, 2003
	First Named Inventor	Daniel V. SANTI
	Title	SYNTHETIC GENES
	Art Unit	1646
	Examiner Name	Not Yet Assigned
	Attorney Docket No.	300622010900

I hereby appoint:

☒ Practitioners at Customer Number

OR

☐ Practitioner(s) named below:

Name	Registration Number	Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

<input type="checkbox"/> Firm or Individual Name					
Address					
City		State	Zip		
Country		Telephone	Fax		

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).**SIGNATURE of Applicant or Assignee of Record**

Name	Daniel V. Santi, Chairman & CEO		
Signature			
Date	March 18, 2004	Telephone	510-731-5204

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

<input checked="" type="checkbox"/>	Total of <u>1</u> forms are submitted.
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